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STRENGTHENING LOCAL GOVERNANCE: A Development Paradigm

Recognizing the idea of the Panchayati Raj as crucial for the foundation of the Indian political system, the 73rd Constitution Amendment was passed by Parliament in 1992, giving Constitutional power to local elected bodies, leading to a decentralized form of governance in which each and every village is responsible for its own affairs

Background

N OCTOBER 1989, RAJIV GANDHI GAVE A SPEECH THAT envisioned the idea of a *panchayat* and a self-sufficient village ecosystem. In his speech he said, "In a vast country like ours, there are at present not more than 5,500 persons—5,000 in the state legislatures and around 500 in the Parliament—to directly represent 800 million people.
The number of voters seeking the assistance of elected

representatives is so large that there is no way the representative can give his personal attention to his electorate as a whole."

This meant that if the people at the grass roots had an issue they needed resolved, they would have to directly approach the MLA. The desire to allow people to have local self-governance led to the passing of a crucial Act in the Parliament, in 1992—the 73rd Constitution Amendment 1992, that gave Constitutional power to local governance bodies. The idea was to bring uniformity in the structure of local bodies and, simultaneously, ensure the representation of the weaker sections of society through reservation in all local bodies

Later, in 1993, Article 243 G was added; this gave "provisions of mandatory devolution of powers, authorities and responsibilities by state governments to the *panchayats*." Initially, the Amendment was passed in eight tribal states. The idea was to bring uniformity in the structure of local bodies and, simultaneously, ensure the representation of the weaker sections of society through reservation in all local bodies. Mahatma Gandhi had advocated the idea of Panchayati Raj as very crucial for the foundation of the Indian political system... the decentralized form of governance in which each and every village would be responsible for its own affairs.

Later, in 1996, on the basis of the report submitted by the Bhuria Committee in 1995, the Parliament also enacted 'The Provisions of the Panchayat (Extension to the Scheduled Areas) Act 1996' also known as the PESA Act. This extends particularly to Part IX of the Constitution, with certain modifications and exceptions to the Fifth Schedule Areas that were notified in 10 states, that is, Maharashtra, Jharkhand, Madhya Pradesh, Gujarat, Himachal Pradesh, Telangana,

Odisha, Rajasthan, Chhattisgarh and Andhra Pradesh.

This Act gave special powers to the gram panchayat (GP) and the gram sabha (GS), which includes participatory planning for decision-making, approval of plans, programmes for social and economic development, and mandatory consultation before acquisition of land in the Scheduled Areas for development projects. The GS refers to a body comprising persons registered in the electoral rolls of a revenue village within a GP area.

This Act also made GSs and GPs the centre of self-governance for protecting tribal population from exploitation. It lays emphasis on empowering GSs; this has not been conferred by any other Act in any state. It has already been 22 years since PESA and 25 years since the 73rd Amendment was passed in the Parliament.

Here, we critically look at the status of the 73rd Amendment and PESA in Basia block of Jharkhand, and attempt to understand the struggles during the implementation of both of these Acts, the current engagement of the Basia team with PRIs and the GS, and the challenges and scope of our engagement.

Context

Basia block lies 101 km from Ranchi towards Simdega. It is located in Gumla district, Jharkhand. It has 15 *panchayats*, comprising 88 revenue villages. The total tribal population of the block is 64 per cent, with a major dependency on agriculture. It also lies under the 5th Schedule Area. PESA empowers GSs, making it a prime institution with decisionmaking powers.

Conditions in Basia block

The GSs of Basia block are not empowered enough to make their own decisions, in spite of being in the 5th Schedule area. PRIs have a certain level of execution powers and they are increasingly replacing the concept of a GS. The traditional leaders, the *Gram Pradhans*, are not aware of their powers and their rights, and are, therefore, not equipped to pass on the decisions taken in the GS to PRIs. GSs are usually held to discuss government schemes to be rolled out in the village under MGNREGS. On the other hand, the women of Basia block are

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slowly collectivizing themselves strongly through SHGs, VOs and Cluster- and block-level Federations.

During the interactions with the collectives and in their meetings, it was always on the agenda that the Community Based Organization (CBO) members should contest the elections because many members faced difficulties in approaching panchayats. The PRADAN Basia team also thought of engaging extensively with PRIs for decentralization of democracy. The whole idea of engaging with PRIs became stronger when seven of the SHG members were selected as Mukhiyas and, that too, in just the second elections held in Jharkhand for panchayats.

The CBOs were quite happy with SHG members being represented by the *Mukhiya* of the *panchayat* and it gave hope to the members that now they would be able to get their work done at the *panchayat* level. The CBOs took charge of calling the *Mukhiyas* to their meetings and the members of the Federation explained to them the struggles of their *panchayats*.

On the other hand, the *Mukhiyas* were not completely effective due

to lack of awareness of their roles and responsibilities. They were also getting into trouble with the middlemen and the naxalites. This led to a conflict situation between the CBOs and the *Mukhiyas* because the Collectives were not able to understand the struggle of the *Mukhiyas*, and the CBOs eventually started questioning them.

The team thought that professionals need to engage extensively with PRIs to create a better delivery mechanism of social welfare schemes and that could only be possible through rigorous engagement with local governance institutions. The Basia team thought that there was a complete mismatch between the demand on the institutions serving the communities and their capacities (supply-side capabilities); and looking at the *panchayat*, it was the need of both the team and the CBOs to strengthen the local governance institutions, that is, the GS and the GP. PRADAN was new to the field of governance; therefore, the team initiated a pilot project called the Strengthening Panchayat Actions for Community Empowerment (SPACE) in five panchayats of Basia, with the support of ANODE (Governance lab), which

is a Bangalore-based organization, working on strengthening PRIs in Karnataka. The objective of the programme was to strengthen GP institutions through capacitybuilding trainings.

In the beginning, the team engaged with *panchayat* members informally to understand the current state of affairs, the struggles and the challenges of the *panchayat*. A meeting then took place of the *panchayats* of all five *panchayats*, wherein the PRIs and PRADAN had a detailed discussion on the functioning of the *panchayat*.

This helped the team identify the key areas in which to engage with PRIs such as in areas where there was no clarity of roles and responsibilities among Ward Members, the lack of awareness among the citizens, the lack of clarity about the ownership of resources, the demands of the citizens not being met and the poor service delivery mechanisms. This opened a door for the team to engage with *panchayat* members.

An MOU was signed between PRADAN, the *panchayat* and the Panchayati Raj department. In order to show *panchayat* members the current state of the *panchayat*, The team also introduced a citizenship perspective because during meetings with panchayat members, PRIs constantly complained of lack of awareness of rights among the villagers.

an organization mapping was done at the GP level called the Gram Panchayat Organization Development (GPOD). This was to help PRIs understand the current state of *panchayat* deliverables, their capacity and capability, and build self-awareness of the roles and responsibilities among *panchayat* members and the staff, and ownership in the organization building process.

At the end of the GPOD processes, PRIs were asked to rate their panchayat (on a scale of 1-5) on four parameters, that is, infrastructure, service delivery, citizen demand and GS functioning. When this was done, it was time for the team to understand the vision of the *panchayat* members and what they aspired for in their own *panchayat*. An exercise was conducted with all the members of the *panchayat*. Training programmes on the legal framework of the state were also conducted with PRIs so that the *panchayat* could understand the boundaries that were to be taken into consideration when doing any system settings for strengthening the *panchayat*, and the provisions of the Jharkhand Panchayati Raj Act (JPRA) 2001, the Panchayat Extension to

Scheduled Areas (PESA) 1996, which was applicable in Basia. The notifications that were issued by the departments, from time to time, were shared with the PRIs. This provided a legal basis for our intervention in Basia. Various other trainings were also organized in the *panchayat* such as MGNREGA, MIS system setup, and GP help-desk and Ward Members.

Interventions

The team also introduced a citizenship perspective because during meetings with *panchayat* members, PRIs constantly complained of lack of awareness of rights among the villagers. In order to fulfil this requirement of the panchayat, PRADAN collaborated with an organization called 'We the People' for enhancing citizenship awareness through civic literacy programmes at the grass roots. Twenty (men and women) cohorts were selected by the team, and are to be trained by We the People on Constitutional rights. These cohorts underwent three-phase trainings on the Constitution, the Acts relevant to Jharkhand and the struggles faced by villagers in their everyday life.

These cohorts (now known as Samvidhan Saathis) are men and women, who are motivated enough to further motivate, educate and encourage others to be aware of the rights, values, and morals enshrined in our Constitution. Thereafter, they run training sessions on the Constitutional values and principles at SHGs, VOs and the GS, in the local language. They help the villagers understand their rights and entitlements. They have also been talking to community members about laws and Acts such as MGNREGA and National Food Security Act, relevant to them.

Pertinent issues such as water, sanitation, drought and discrepancies in social security schemes were taken up by the cohorts and later by the Federation as well. The investment on cohorts and the trainings that were given to them had a very positive impact on the villagers. The people have grasped the skill of writing applications with reference to the Constitution and have consequently been able to put pressure on the block administration. The language of the letters has changed from *"Aapke sada ehsaanmand rahenge"* to kuch dinon ke andar yeh karya

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karwana sunischit karein (We will forever be grateful to you if you sanction this work for us in a few days)" to that which quotes the relevant Acts and Rights detailed in the sub-clauses. The officials have also taken a back seat once they read the applications written by the cohort.

In the beginning of this programme, a lot of time

was spent on strengthening panchayats and building citizenship perspective with the help of cohort training in the community. There was also a need to bridge the gap between the GPs



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and the GSs. It was important for both to take ownership and control of their respective powers.

A healthy relationship between a GP and a GS is imperative, wherein the GS takes part in the decision-making and the panchayat ensures that the decisions are executed. The Panchavati Rai system is still dormant in Jharkhand and power devolution is not a visible phenomenon. Hence, the panchayat has to take repeated initiative to establish itself as an institution. The team, therefore, arrived at a consensus that working with the GS should also be a part of our institutional strengthening engagement because it needs to sustain and evolve.

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In addition, we initiated *panchayat*-level monthly meetings of all Gram Pradhans in a *panchayat*, where they would come together, share their experiences, hold discussions on various methods of dealing with issues, concerns, good practices and cross-learning. These meetings were initiated in five beacon *panchayats* of Basia. (Beacon Panchayat Project aims at empowering GP by improving their infrastructure, service delivery mechanism and making them aware of their rights, powers and responsibilities as an institution.) The Gram Pradhans responded to it very well and look forward to such meetings. After detailed discussions and a needsrealization exercise, we are now in the process of planning several trainings for them. Discussions around *jal, jungle, zameen* (water, forest, land) and the involvement of youth in GSs have been some of the major deliberations in the meetings so far.

Alongside, the Basia team began talking to PRI representatives and the community to understand their idea of a GS. The team made a list of observations in order to be able to better comprehend group processes, decision-making and the overall functioning of a GS.

In one of our initiatives with the *panchayat*, we worked on the vision-mission, in which the GPs underwent a three-day workshop in meditating upon the aspirations that they have for their *panchayat* and the themes that they believe are the most important in the coming two to three years.

This exercise with our beacon GPs has helped in prioritizing their goals on agriculture and MGNREGA. *Panchayats* took up their roles to make these two activities function better. Agriculture Standing Committees of all the respective *panchayats* were activated. MGNREGA has a clear mandate, wherein the elected representatives of the *panchayat* and the GS have clearly defined roles in sanctioning schemes, monitoring ongoing works, grievance management and escalation, etc.

The Act, in its spirit, is clearly focussing on strengthening local institutions of governance. Therefore, after an initial They also worked at setting up of a Management Information System (MIS) in the panchayat for MGNREGA-related works, which was earlier being operated from the block headquarters

training, an action plan for PRI members was charted out, whereby Ward Members and the *Mukhiya* had to take up certain activities that have been prescribed through various circulars and notifications of the state government. Activities such as ward-wise camps for grievance collection, demand and job card-related applications were organized. These camps were led by Ward Members themselves. The Mukhiya took up the responsibility of reviewing the Mates once a month. Other activities included the regularization of Gram Panchayat **Executive Committee meetings** and piloting the GP help-desk through PRI-CBO collaboration. A *didi* from the SHG and a Ward Member volunteered to work on the regularization of the Rozgar Diwas, once a week, which was to be attended by workers, Mates, the gram rozgar sevak and some PRI members.

They also worked at setting up of a Management Information System (MIS) in the *panchayat* for MGNREGA-related works, which was earlier being operated from the block headquarters. There is no specific standing committee for MGNREGA; hence, a *panchayat*-level General Administration Committee was activated. This Committee comprises the heads of all the other Standing Committees. These Committees have not been functional since the PRI system has come into being in Jharkhand. In order to activate them, we had to find specific and concrete roles for them.

Agriculture in the block that was allocated a certain amount of seeds and agri-inputs did not reach all the villagers. There were middlemen and powerful agents involved. In order to tap this resource and also demand for more inputs, a VO-level agri-planning was carried out in Pantha and Areya panchayats. The demands of the *panchayats* were consolidated and presented in the GS for further inputs of the villagers. Once finalized, this resolution was forwarded to the *panchayat* and was further pushed to the block and district administration through a blocklevel Ajeevika Mela.

The demands received by both the *panchayats* were later merged with the Gram Swaraj Abhiyaan affecting the coverage of the allocated input distribution. The *panchayats* also demanded fertilizers and trainings from the Ajeevika Krishak Mitras. During the process, those families that were not a part of the women's institutions automatically get excluded from such activities. Our SHGs were not completely inclusive and, hence, we planned to have a more micro-level picture of the work we were doing. For the Gram Panchayat Development Plan (GPDP), the planning was done at the *tola* level, led by *Gram Pradhans*, the traditional leaders supported by SHG women and field cadres.

In Basia, the team also began engaging in the implementation of the FRA in Areya village of Areya *panchayat*. This village enjoys a forest cover of approximately 540 acres but there are some rising concerns on the unruly usage of and access to their forest land by the villagers from inside and outside Areya. Some of the villagers were aware of the provisions defined in FRA and wanted some level of guidance in grounding it further.

After three to four consecutive GS meetings, to understand the provisions of the Act thoroughly, the villagers initiated the claim process. The process was mainly led by the women of the village, with the elderly describing every possible detail of the forest, its The Forest Rights Committee, formed in the GS under the Act, has been working actively in collecting documents such as the *khatiyan*, revenue maps, filling the form and notifying government officials for physical verification of the area that they are set to claim

usage, its relevance to their lives and why they wanted to protect it. Areya also faces the potential threat of attracting companies because it lies near the main road, has more plain land, has a canal and a dam nearby and also has a huge forest cover.

Also, the recent phenomenon of a land bank created by the Jharkhand state government has taken almost 800 acres of Areya's gairmazurwa aam (public land that has passed on to the state after the abolition of the zamindari system) and forest land into account. Sensing these dangers and establishing the relevance of forests into their lives, the Areya villagers are eager to get a Community Forest Rights (CFR) claim to their name. The Forest Rights Committee, formed in the GS under the Act, has been working actively in collecting documents such as the *khatiyan*, revenue maps, filling the form and notifying government officials for physical verification of the area that they are set to claim.

This process is nearing completion and, it is expected that, in one month, the claim document will be submitted to the sub-divisional committee. The discussions and processes in Areya have had a snowballing effect, leading to similar movements in nearby villages. All forest fringe villages such as Kurdega, Sakya and Konaskeli of the same *panchayat* have begun the process of claiming CFR. One more village will be joining the list soon. A similar movement has been seen in a far-off *panchayat* in Okba, where Bataloya village has initiated the same process.

In Basia, PRADAN is not the first and the only one to initiate CFR claim processes. People who are aware of it are going ahead and doing it themselves and also helping others. We, through our engagements, are trying to talk about these processes as holistically as possible. People realize the potential threat to their land, especially forest land, and wish to reinstate their relationship with nature.

The GSs in Basia are not very cohesive because of the repeated disappointments in the Yojna Banao Abhiyaan, the nonimplementation of PESA, the lack of consideration of the needs and priorities of the people and the formation of unconstitutional parallel structures such as the Adivasi and Gram Vikas Samitis by the state, further weakening the traditional GS structures. Such processes are meant to happen only through the GSs and taking the holistic view of the scenario can propel the *sabha* to redefine itself, its motto and its functioning. Currently, they are known as the *yojna sabhas*, which meet only after receiving letters from the block administration. The nature of the GS is being twisted and turned by vested interests for their political motives, to weaken it further so that it loses control and ownership of its resources.

Alongside, Jharkhand launched GPDP, the sabki yojna, sabka vikas programme, asking *panchayats* to make plans and demands for relevant schemes. It was launched on 2 October 2018 and was to last till 31 December 2018. According to a gazette notification, the panchayat was supposed to conduct two GSs and make all possible plans. In order to make it more participatory and inclusive, the team along with the block and the beacon panchayats elaborated on this plan. PRADAN facilitated the GPDP processes in five beacon *panchayats*, in which the process was as follows:

Three years ago, at the Yojna Banao Abhiyaan, the community made intensive plans for a period of three years. Important natural The discussions and processes in Areya have had a snowballing effect, leading to similar movements in nearby villages



GS meeting on FRA at Konaskeli village, Areya.



Social mapping and resource mapping through a GPDP exercise at Gopalpur village, Areya

The planning process was mainly aimed at ensuring that no needy or vulnerable families were left out and that their plans were prioritized by the GS



resource management plans were made during the *Abhiyaan* but the state government approved and rolled out only the five per cent model (water harvesting pond) locally known as the *dobha*. This time, plans that are located in the *panchayats*' plausible area of implementation are to be considered first. These plans were made according to the Fourteenth Finance Commission (FFC) and MGNREGA budgeting for one year only because the needs are dynamic in nature. The planning process was mainly aimed at ensuring that no needy or vulnerable families were left out and that their plans were prioritized by the GS.

Impact of our Intervention

This initiative has lessened the gap between the *panchayat* and the citizens. The villagers have started to show some faith in the *panchayats*, which they did not have initially. There have been times when the *panchayat* has shown lot of interest in people's issues. This year (2018), Gumla district in Basia faced severe drought conditions. In the beacon *panchayats*, the GSs made an application for drought sighting the situation and demanding relief and submitted it to the This year (2018), Gumla district in Basia faced severe drought conditions. In the beacon *panchayats*, the GSs made an application for drought sighting the situation and demanding relief and submitted it to the *panchayats*. The *Mukhiyas* made sure that the MLA received these applications and the villagers got the necessary compensation



panchayats. The Mukhiyas made sure that the MLA received these applications and the villagers got the necessary compensation. This intervention has created a healthy relationship between the panchayat and the villagers. The panchayat office started opening on a regular basis for the Rozgar Diwas and the villagers began visiting the panchayat, demanding work in MGNREGA and listing their grievances.

When the GPDP was to be implemented in the *panchayats*, the *panchayat* invited CBO members and *Gram Pradhans* for implementing the planning process. During this meeting, the *Gram Pradhans* decided the date for the GS, and the planning process started accordingly. And during the GPDP processes, the GS made sure that more schemes related to solving the water issues of the village were planned and the PRIs supported these decisions.

Challenges

In the last one-and-a-half years (since 2017) in Basia, because of the low remuneration, there have been major challenges to the active participation in the PRI. Moreover, PRIs are seen to The Panchayati Raj system is new to Jharkhand and the devolution of power to the third tier of democracy is challenging. The lack of clarity on its role has de-motivated PRIs and prevented them from functioning to their fullest capacity.



Mukhiyas, submitting applications, relate drought conditions in Basia to Mr. Dinesh Oraon (MLA).

be lacking in awareness about their roles and responsibilities because of which they failed to exercise their rights. This has given power to the state to intervene in *panchayat* matters and put forward its views of how the *panchayat* should function. Clearly, this shows that the power still lies with the state and the centre, leading to de-motivation among PRI members.

The Panchayati Raj system is new to Jharkhand and the devolution of power to the third tier of democracy is challenging. The lack of clarity on its role has demotivated PRIs and prevented them from functioning to their fullest capacity.

In last six months, there have been burning discussions in GSs on the formation of *Adivasi* and *Gram Vikas Samitis*. The Jharkhand government, through a gazette notification, and pushed further by the administration (which was very persistent about forming these committees, and put immense pressure on the Panchayat Mukhiyas and Panchayat secretaries to execute the orders), formed these Committees at the GS level. Nine-member Gram Vikas Samitis and eleven-member Adivasi Vikas Samitis were formed in June 2018 throughout Jharkhand. The Committees have the power to spend up to Rs 5 lakhs on infrastructural development of the village.

This move apart from being unconstitutional is ridden with vested interests of some groups and jeopardizes the roles and Discussions also led to pertinent questions such as why the money was not being given directly to the GS and its Committees. What was the *panchayat's* role now?

powers of both the GP and the GS. Neither the Jharkhand Panchayati Raj Act nor PESA talk about any of these committees. Moreover, these Committees were formed only for a period of two years, with financial powers that could have been diverted to the Gram Kosh (GS account), empowering the already existing GS Standing Committees. Such parallel formations have not been set up by any other state and the move is now being contested in the Ranchi High Court by renowned lawyers.

The gazette notification nowhere mentions the decision-making processes to be taken up by the committee. It overlooks the provisions of PESA, in which the GS is supposed to play a pivotal role in decisionmaking. The formation of these committees has caused fights and disturbances within tribal and non-tribal communities. both of which believed that the Committees were formed to serve certain groups only. Moreover, the District Magistrate issued an order against those *Mukhiyas*, who would not extend their support to the formation and the opening of bank accounts of these committees. Mukhiyas, across the state, realized very well that the powers guaranteed to them

by the Jharkhand Panchayati Raj Act were at stake due to these committees.

The women were approached by the panchayat Swayam Sevaks to get the work done. The rising disturbances within tribal and non-tribal groups across the block was a matter of concern for us and the Collectives as well. While these discussions were fresh, during our meetings in the village, we initiated discussions around these Committees discussing and analysing the pros and cons of these formations with the community. Evidently, the community did not have clarity as to why these Committees were formed so urgently by the state.

Discussions also led to pertinent questions such as why the money was not being given directly to the GS and its Committees. What was the *panchayat's* role now? The community did sense the lingering threat that selected members might overlook the GS and dominate the decisions because they would have the financial power. This was related to the already overarching concerns of the GS not being active anyway in the region and middlemen acquiring larger decision-making spaces. The *Gram Pradhans*, who were the

traditional heads of the GSs, would be reduced to being just nominal heads.

Scope

This process defines the roles of all the possible stakeholders, and where all the interventions are also inter-connected. Prioritizing the GS's decisions and pushing the GP to ensure the execution of these decisions was a plausible way of setting systems in place. We are currently engaged in processes to activate various stakeholders to carry out their roles. This discourse is gradual and needs continuous effort at all levels, ranging from the individual to the state. The GS, being the main focus, cannot activate itself in a vacuum. If it takes up issues concerning its members strongly, it will reaffirm people's belief in its power as an institution.

The GP, on the other hand, can begin experiencing a soft devolution of power through the continuous activities of various groups in the community, catering to their needs. In the project, we have been able to connect the GSs and the *panchayats* through some initiatives. CBOs are also taking Such interventions can create a huge pressure group of aware masses and simultaneously ensure that the roles and responsibilities of such institutions are actively rooted in the ground and are monitoring the state of governance continuously

charge and helping GPs as well as government departments to implement plans. Cadres such as the cohorts have an active role in connecting these three institutions, initiating questions and generating discussions. The process is gradual, and the relevant exposure and opportunities can propel these institutions to design a way forward for themselves.

Such engagements, like the one in Basia, cannot have an external validity. These steps with the GPs and the GS can be taken with respect to the context and relevance of interventions in the area. Scaling-up of such actions can lead to accountability of the *panchayats* for the people and the people's responsibilities as citizens. Such interventions can create a huge pressure group of aware masses and simultaneously ensure that the roles and responsibilities of such institutions are actively rooted in the ground and continuously monitoring the state of governance.

This approach is dynamic and evolves with the experiences of the *panchayats*, the community and the respective organizations. Establishing systems and processes by strengthening the local governance and each of its institutions with its clear roles and accountability is the way forward. In this way, after a point of time, these local systems will not have to depend on an external organization for their functioning. These processes, too, will further evolve over time with respect to the needs and demands of the communities.

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